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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,949	10/31/2003	Martha Thrower	98-1608	5973
40158	7590	12/21/2004	EXAMINER	
LEONARD & PROEHL, PROF. L.L.C. 3500 SOUTH FIRST AVENUE CIRCLE SUITE 250 SIOUX FALLS, SD 57105				WILKENS, JANET MARIE
ART UNIT		PAPER NUMBER		
		3637		

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/700,949	THROWER, MARTHA
	Examiner Janet M. Wilkens	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/31/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson. Anderson teaches a foot mobility aid (Fig. 1) comprising: an elongated flexible strap (1) having a first end (5) folded back over itself to form a foot loop, a buckle (11) to help keep the loop in place and a handle (4) having a rear portion extended perpendicular from the front part of the strap and located at a second end thereof.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson. As stated above, Anderson teaches the limitations of claims 1 and 2, including a strap. The strap having a length and width; however, the exact dimensions are not disclosed. Never-the-less, it would have been obvious to one having ordinary skill in the art at the time of the invention to make the strap of Anderson any of a

number of dimensions, including with a length between two to six feet and width between half an inch and three inches, depending on the desired need of the person constructing the strap, e.g. depending on size of person to be using the strap, etc.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Shipstead. As stated above, Anderson teaches the limitations of claim 1, including a strap with a loop portion. For claims 6 and 7, Anderson fails to teach that the loop portion has a pad detachably attached thereto via hook and loop fasteners. Shipstead teaches a foot pad (8) for use with a foot strap/loop. First, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a foot pad, such as the pad taught by Shipstead, in the loop portion of the strap of Anderson, to provide additional foot support to the bottom of a foot inserted inside the loop portion. Second, it would have been obvious to one having ordinary skill in the art at the time of the invention to connect the pad to the loop portion via hook and loop fasteners, since these fasteners are well known in the art for temporarily but securely attaching members together.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Shipstead and Mertz. Anderson teaches a foot mobility aid (Fig. 1) comprising: an elongated flexible strap (1) having a first end (5) folded back over itself to form a foot loop, a buckle (11) to help keep the loop in place and a handle (4) having a rear portion extended perpendicular from the front part of the strap and located at a second end thereof. First, Anderson fails to teach that the loop portion has a pad detachably attached thereto via hook and loop fasteners. Shipstead teaches a foot pad

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(8) for use with a foot strap/loop. It would have been obvious to one having ordinary skill in the art at the time of the invention to add a foot pad, such as the pad taught by Shipstead, in the loop portion of the strap of Anderson, to provide additional foot support to the bottom of a foot inserted inside the loop portion. Then, it would have been obvious to one having ordinary skill in the art at the time of the invention to connect the pad to the loop portion via hook and loop fasteners, since these fasteners are well known in the art for temporarily but securely attaching members together. Second, the strap of Anderson obviously would have a length and width; however, the exact dimensions are not disclosed. Never-the-less, it would have been obvious to one having ordinary skill in the art at the time of the invention to make the strap of Anderson any of a number of dimensions, including with a length between two to six feet and width between half an inch and three inches, depending on the desired need of the person constructing the strap, e.g. depending on size of person to be using the strap, etc. Third, Anderson fails to teach a handle with finger grooves. Mertz teach a handle (10) with finger grooves. It would have been obvious to one having ordinary skill in the art at the time of the invention to add a rigid handle, such as the handle taught by Mertz, at the top portion of the strap of Anderson (the top of the strap would be looped inside and around the vertical cylinder portion), to provide the more sturdy gripping means for the user.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkins  
November 23, 2004

  
JANET M. WILKENS  
PRIMARY EXAMINER  
